

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SONDERMEIJER ET AL.

Serial Number: 09/744,799

Group Art Unit: To be assigned

Filed: January 30, 2001

Examiner: To be assigned

For: ATTENUATED EQUINE HERPESVIRUS

RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS

Assistant Commissioner of Patents
Washington, D.C. 20231

March 29, 2001

Sir:

Enclosed in response to the Notice to File Missing Requirements of Application in the above-identified application is, as requested, a copy of the Notice along with the Declaration and Power of Attorney.

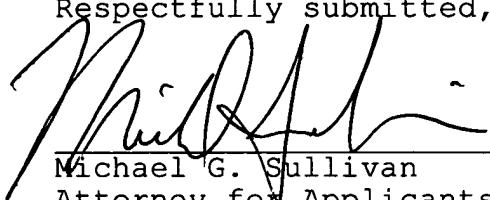
Please charge the \$130.00 surcharge under 37 CFR 1.16(e) to Deposit Account 02-2334. In the event any additional fees are required with this paper, please charge our Deposit Account No. 02-2334.

04/04/2001 ATRAN1 00000111 022334 09744799
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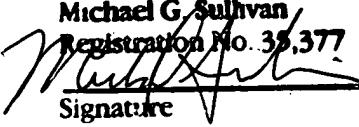
Attorney Docket No. I/98404 US

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31SONDERMEIJER-RESPONSE

Respectfully submitted,


Michael G. Sullivan
Attorney for Applicants
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on 3/29/01
Date of Deposit

Michael G. Sullivan
Registration No. 35,377

Signature

3/29/01
Date

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09/724799/944799

SONDERMEIJER

P 1/98404 US

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

S611

PCT/EP99/05476

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INTERNATIONAL APPLICATION NO.

I.A. FILING DATE 07/26/99 PRIORITY DATE 07/31/98

DATE MAILED:

03/02/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494).
- an Elected Office (37 CFR 1.495):
- U.S. Basic National Fee.
- Copy of the international application in:
 - a non-English language.
 - English.
- Translation of the international application into English.
- Oath or Declaration of inventors(s) for DO/EO/US.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed 30 Jan 01 and _____
- Information Disclosure Statement(s) filed 30 Jan 01 and _____
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed _____
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Copy of the International Search Report and copies of the references cited therein.
- Other:

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MAR - 5 2001

BY:

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2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

Pat Booker, Paralegal

Telephone: 703-305-3738